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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEB 28 1992

Federal Communications Commission
Office of the Secretary

In Re Application of)
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ALLEGHENY COMMUNICATIONS)
GROUP INC.)
)
)

File No. BPH-910628MC

For Construction Permit for)
a New FM Radio Station on)
Channel 229B, Pittsburgh,)
Pennsylvania)

attempt to explain how this latest declaration can be properly considered under the Commission's procedural rules. EZ acts as if it has the absolute right to submit declarations to the Commission any time it desires to. The Commission's rules say otherwise.

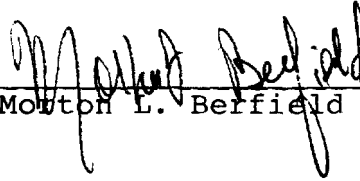
In its motion, ACGI pointed out that several factual allegations in EZ's reply should have been made in EZ's original petition. Now, EZ explains that it had not reviewed ACGI's August 30, 1991 amendment as of right. EZ, however, had an ample opportunity to review that amendment prior to filing its December 6, 1991 petition to deny. There is no requirement that a pre-designation amendment as of right be served on mutually exclusive applicants. In any event, EZ was placed on notice of EZ's amendment by Broadcast Applications Report No. 15083, released September 16, 1991 at P. 13. EZ makes no attempt to distinguish Industrial Business Corp., 40 FCC 2d 69, 70, 26 RR 2d 1447, 1449-1450 (Rev. Bd. 1973). In short, EZ's arguments are utterly meritless.

Accordingly, ACGI asks the Commission to deny EZ's motion and to not give any consideration to the declaration attached to that motion.

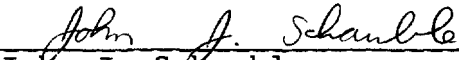
Respectfully submitted,

**ALLEGHENY COMMUNICATIONS GROUP,
INC.**

By:


Morton L. Berfield

By:


John J. Schauble

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Its Attorneys

~~Date~~

February 28, 1992

CERTIFICATE OF SERVICE

I, Linda Gibson, hereby certify that on this 28th day of February 1992 a copy of the foregoing "Opposition To Motion To Strike Allegheny Communications Group, Inc.'s "Motion For Leave To Respond To Reply To Opposition To Petition To Deny" was sent via first class mail, postage paid, to the following office.